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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,518	11/06/2003	Hiroyasu Hasegawa	071671-0170	7353
22428 7590 07/18/2008 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
HAIDER, FAWAAD				
ART UNIT		PAPER NUMBER		
3627				
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07/18/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/701,518

**Applicant(s)**

HASEGAWA, HIROYASU

**Examiner**

FAWAAD HAIDER

**Art Unit**

3627

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/31/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-6,10,11 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,10,11 and 14-18 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. Claim 1 is objected to because of the following informalities: After the term *executing*, there should be a semicolon or period. The phrase, "if the input is not proper, a notification that the inputted sub-cooking name is an input error," is not clear and not a complete sentence. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1, 3-6, 10-11, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shingo (JP 10-011194) in view of Kazuyuki (JP 2002-042253).

Re Claim 1: Shingo discloses when a sub-cooking name is inputted simultaneously with the input of the main cooking name, the input of the sub-cooking

name is checked with reference to the data check table for executing, if the input is not proper, a notification that the inputted sub-cooking name is an input error (see Abstract). However, Shingo does not disclose any data check table. Kazuyuki discloses a data check table is provided for checking whether a combination of each of a plurality of main cooking names of the main cooking menu and each of a plurality of sub-cooking names of the sub-cooking menu is proper (see [0017, 0022, 0023]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kazuyuki's invention with Kazuyuki's data check table in order "to facilitate the determination of food to be dished up on a same dish (See Kazuyuki Abstract)."

Re Claims 3-4: Shingo discloses wherein the data of the main cooking menu and the sub-cooking menu are stored in a handy terminal (or in an external database) for inputting a cooking item name to transfer cooking item data thereof to the kitchen (See [0002-0005]).

Re Claims 5-6, 10-11, 14-15: Shingo discloses which further comprises an additional report forming part, which is provided in the handy terminal or external database, for statistically collecting the frequencies of transfer of the main cooking menu and the sub-cooking menu to the kitchen (see [0002-0005]).

Re Claim 16: Shingo discloses wherein the input main cooking name corresponds to a name of a menu item to be ordered from a menu, and wherein the input sub-cooking name corresponds to one of a plurality of separate food components of the menu item that can either be increased from a default amount, decreased from the default amount, or eliminated entirely, with respect to an amount of the food

component to be included in the menu item when made by the kitchen upon receipt of the kitchen cooking item data (see [0002-0007]).

Re Claim 17: Shingo discloses wherein the input main cooking item corresponds to a hamburger order, and wherein the input sub-cooking name corresponds to one of the plurality of separate food components corresponds to an amount of lettuce content, tomato content, or mayonnaise content to be included in the hamburger order (see [0002-0007]).

Re Claim 18: Shingo discloses wherein one of increase or decrease of the amount of food component corresponding to the input sub-cooking name is not allowed and results in the notification of the input error, and wherein the other of the increase or decrease of the amount of food component corresponding to the input sub-cooking name is allowed and does not result in the input error (see [0002-0007]).

### ***Response to Arguments***

4. Applicant's arguments filed 3/31/08 have been fully considered but they are not persuasive. The applicant argues that Kazuyuki does not disclose any data check table. In [0017], Kazayuki makes reference to a combination information table. Then, in [0022, 0023], Kazayuki discloses a \*\*\*\* table which memorizes pan species information which specifies a kind of pan which dishes up cooking for said every combination information, which is similar as to which ingredient you can add/delete to an item.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627

/Fawaad Haider/

Examiner

Art Unit 3627

FIH